

portions of said branch road shall be forfeited to the State.

SEC. 2. This act shall take effect from the date of its passage.

Approved February 16, 1865.

CHAPTER II.

An Act to execute the trust created by the act of Congress, entitled "an act making a grant of lands to the State of Minnesota to aid in the construction of the railroad from St. Paul to Lake Superior," approved May five, eighteen hundred and sixty-four, and to grant the said lands to the Lake Superior and Mississippi Railroad Company, to aid in the construction of its railroad, and to amend and continue certain acts in relation to said Railroad Company.

February 23, 1865.

- SECTION 1. All rights of ways, benefits, privileges, granted to the State by act of Congress, are accepted—transferred to the Lake Superior and Mississippi Railroad Company—when completed to pay into the treasury of the State three per cent. of its gross earnings—land to be subject to taxation—how gross earnings of said road to be ascertained.
2. Duty of Governor upon completion of ten miles of said road—upon completion of twenty miles—upon completion of road.
 3. Land to be granted upon certain conditions—when lands may be forfeited to the State.
 4. Company to deposit forfeit in case of failure to complete said road within the time specified by this act—when deposit may be withdrawn.
 5. May negotiate by sale or otherwise its mortgage or other bonds—where said mortgage or bond to be filed and recorded.
 6. Right to select and designate the swamp lands granted to aid in the construction of said road.
 7. Shall transport all cars, freight and passengers delivered to it for such purpose, by any connecting Company.
 8. May construct and maintain telegraph line.
 9. Number of Directors—eligibility to the office of Director—may meet and transact business in or out of this State.
 10. When act to take effect.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That all the rights of way, benefits,

All rights of way granted to the State accepted—transferred to said company.

privileges, lands and property granted to the State of Minnesota, by virtue of the act of the Congress of the United States, entitled "An act making a grant of lands to the State of Minnesota, to aid in the construction of the railroad from St. Paul to Lake Superior," approved May five, A. D. eighteen hundred and sixty-four, be and the same are hereby accepted, and the same are hereby granted, vested in, and transferred to the Lake Superior and Mississippi Railroad Company, its successors and assigns, to be held, used or sold and disposed of by said railroad company, to aid in the construction of a railroad, as contemplated and provided by said act of Congress, and for the equipment and operation of the same, and for no other purpose whatever, the same to be held, used, and disposed of, upon, and subject to the conditions in said act of Congress provided, and upon the conditions in this act contained. That in consideration of lands granted by this act, and of the lands, rights, privileges, and franchises, which have heretofore been granted to said railroad company, the said company shall, on or before the first day of March of each and every year after said railroad is completed and in operation, pay into the treasury of the State three per cent. on the gross earnings of said railroad, which sum shall be in lieu and in full of all taxation and assessment upon the said railroad, its appurtenances and appendages, and all other property of said company, real, personal and mixed, including the lands hereby and heretofore granted to said company, or so intended to be granted. *Provided, however,* That the lands hereby and heretofore granted to said company shall be subject, like lands of individuals, to be taxed as fast as the same are sold or conveyed, or contracted to be sold, or are leased by said company, or the stumpage upon any lands is sold or contracted to be sold by said company; but no mortgage or trust deed executed by said company upon said lands, shall for the purpose of taxation, be construed as such sale, conveyance, lease or contract of sale. And for the purpose of ascertaining the gross earnings aforesaid of said railroad, an accurate account of said earnings shall be kept by said company, an abstract whereof shall be furnished by said company to the Treasurer of State,

When completed to pay into the treasury of the State three per cent. of its gross earnings.

Land to be subject to taxation.

on or before the first day of February in each year, the truth of which abstract shall be verified by the affidavit of the treasurer of said company, and for the purpose of ascertaining the truth of such affidavit, and the correctness of such abstract, full power is hereby vested in the Governor of this State, or any other person appointed by law to examine the books and the officers and employes of said company, or other persons under oath, and if any person on such examination shall knowingly or wilfully swear falsely, every such person shall be subject to [the] pains and penalties of perjury. And for securing to the State the payment of the aforesaid per centum, it is hereby declared that the State shall have a lien upon the railroad of said company, and upon all the other property of said company, real, personal, and mixed, and the lien hereby secured to the State shall take and have precedence of all demands, decrees and judgments against said company. *Provided further*, That said railroad lands shall be taxed as other lands in the State, in five years after the said company shall become entitled to said lands.

How gross earnings of said road to be ascertained.

SEC. 2. That whenever within the time in said act of Congress and this act provided for the completion of said railroad, said company shall complete ten miles of its said line of road, with the cars running thereon, it shall be entitled to a conveyance, to be executed by the Governor of this State, of the swamp lands heretofore granted to said company by the act entitled "An act to incorporate the Nebraska and Lake Superior Railroad Company," approved March eight, eighteen hundred and sixty-one, and the act of March six, eighteen hundred and sixty-three, amendatory thereof, appertaining to such ten miles, and so from time to time as each additional ten miles shall be completed as aforesaid, anything in either of said acts to the contrary notwithstanding. And whenever twenty consecutive miles of said road be completed, as provided for in said act of Congress, or under such other conditions as Congress may by law provide, then the Governor of this State shall certify the same, and patents shall issue to said company, as assignees of the State, for the quantity of lands to which said State would then be entitled under said act of Congress pertaining to such

Duty of Governor upon completion of ten miles of said road.

Upon completion of twenty miles.

Upon completion
of road.

completed portion of said road, and so on from time to time as each additional twenty miles of said road shall be so completed; and whenever said road is fully completed, so as to connect the Mississippi River with the waters of Lake Superior, in the State of Minnesota, all the residue of the lands granted by said several acts, shall be conveyed to said company or its assigns. *Provided*, That said company shall not be entitled to any of the lands granted by this act until ten miles of said road are graded and the cars running thereon from the head of Lake Superior within this State.

To be granted up-
on certain condi-
tions—when lands
may be forfeited to
the State.

SEC. 3. The said grants of lands to said company are on the conditions that said company shall cause twenty consecutive miles of said railroad to be completed with cars running thereon, within three years from the fourth of July, eighteen hundred and sixty-five, and the whole of said line from St. Paul to the waters of Lake Superior, within five years from the said fourth of July, eighteen hundred and sixty-five, and that in default thereof, all the said lands named in said act of Congress, pertaining to the uncompleted portion of said road shall be forfeited to the State.

To deposit forfeit
in case of failure to
complete said road
—when deposit
may be withdrawn

SEC. 4. And the said company shall, by the first of July next after the passage of this act, deposit the sum of twenty thousand dollars, or that amount of U. S. bonds, with the Treasurer of State, to be forfeited to the State in case a failure to complete said road within the time as provided in this act, but said deposit may be withdrawn by said company whenever ten miles of its said road are completed and the cars running thereon.

May negotiate its
mortgage or other
bonds—where to
be filed.

SEC. 5. The said corporation may make and negotiate, by sale or otherwise, its mortgage or other bonds, and that any mortgage, trust deed, or instrument affecting the franchises of said corporation, or any of its property, may be filed and recorded in the office of the Secretary of State of this State, and that from the time of the filing of any such deed, mortgage or instrument as aforesaid, the record thereof shall be notice to all persons of such lien or interest, and of the contents of such deed or instrument, and it shall not be necessary to record any such conveyance or instrument in the county in which the property affected is situated.

SEC. 6. That said company shall have the right at any time to select and designate the swamp lands granted to aid in the construction of said road, and from time to time certify the same to the Governor, to be held for its benefit and conveyed in accordance with this act, as fast as said company may be entitled to the same, under the conditions named in section two of this act.

Right to select swamp lands granted.

SEC. 7. That said railroad company shall transport all cars, freights and passengers delivered to it for such purpose by any connecting company, as provided for in the eighth section of said act of Congress, and shall have the right and privilege of transporting, or having transported, its cars, freights and passengers, as in said section provided, over the road of any such connecting company, upon the terms in said act provided; and that section twelve of the act of March eighth, eighteen hundred and sixty-one, be and the same is repealed.

shall transport all cars, freight, passengers, etc.

SEC. 8. That said company may construct and maintain telegraph lines upon its road, and charge fees for transmitting messages thereon.

May construct telegraph line.

SEC. 9. That the number of directors of said company may be by resolution of the present board, [increased] to any number, not exceeding eleven. That any citizen of the United States shall be eligible to the office of director, and that the board of directors may meet and transact business in or out of this State.

Number of Directors—meetings of Board.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved February 23, 1865.